

## Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10

ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01

SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05

IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07

OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11 OIC-02

/190 W

-----051511 251946Z /43

P 251914Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8857

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 06276

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE - HIGHLIGHTS, APRIL 24

BEGIN SUMMARY

THE REVIEW CLAUSES AND FINANCIAL ARRANGEMENTS DISCUSSED  
IN NG-1 AND NG-2 ILLUSTRATED THE GAPS STILL REMAINING  
OVER THE DEEP SEABEDS REGIME. NG-4 TRIED UNSUCCESSFULLY  
FOR A DEFINITION OF GDS, AND NG-6 REVIEWED THE IRISH  
FORMULA AND A SOVIET PROPOSAL ON SHELF DEFINITION. A  
NEW ARTICLE 222 WAS FLOATED IN THE POLLUTION MEETINGS.  
NG-7 LISTENED TO RESTATEMENTS OF THE EQUIDISTANT/EQUITABLE  
PRINCIPLES ARGUMENTS. END SUMMARY

1. THE NJENGA GROUP (NG-1) DISCUSSED ARTICLES 152 AND  
153 CONCERNING THE REVIEW CLAUSES WITH THE MOST DIFFICULT  
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PROBLEM BEING PARA 6 (ON AUTOMATIC REPLACEMENT) BUT  
OTHER PROBLEMS SUCH AS PROCEDURES AND TERMS OF REFERENCE  
FOR AMENDMENT ALSO DISCUSSED. THE U.S. REP MADE A  
STATEMENT OUTLINING THE CHANGES NEEDED, EMPHASIZING  
THAT THE U.S. COULD NOT ACCEPT THE AUTOMATIC REPLACEMENT  
OF THE PARALLEL SYSTEM BY A UNITARY SYSTEM OF JOINT  
VENTURES IF A REVIEW CONFERENCE DOES NOT REACH AGREEMENT

(FULL STATEMENT SENT SEPTTEL). JAGOTA (INDIA) STATED THAT PARALLEL SYSTEM WOULD NOT BE ACCEPTABLE FOR MORE THAN 25 YEARS, AND HE WAS SUPPORTED BY SEVERAL OTHERS. THIS DISAGREEMENT OVER THE PARALLEL SYSTEM SEEMS LIKELY TO BE ONE OF THE MOST DIFFICULT CONFERENCE ISSUES TO RESOLVE.

2. THE KOH GROUP ON FINANCIAL ARRANGEMENTS (NG-2) MET IN THE AFTERNOON ON THE FINANCING OF THE ENTERPRISE AND THEN MOVED TO THE FINANCING OF THE AUTHORITY. THE MAIN ISSUE UNDERLYING BOTH SUBJECTS WAS WHETHER THE ENTERPRISE IS GOING TO BE A SELF-SUSTAINING BUSINESS OR WHETHER IT WILL HAVE CONTINUED SUPPORT FROM A GENERAL FUND OF THE AUTHORITY REGARDLESS OF CONSIDERATION OF ECONOMIC VIABILITY. THE SMALL NJENGA DRAFTING GROUP, WHICH HAS NOW BALLOONED TO 30 - 40 PARTICIPANTS, MET AGAIN BUT WITH NO SIGNIFICANT PROGRESS.

3. NEGOTIATING GROUP 4 CONSIDERED THE QUESTION OF THE DEFINITION OF GEOGRAPHICALLY DISADVANTAGED STATE (GDS) BUT NO CONSENSUS EMERGED FROM THE DEBATE.

4. THE LL/GDS REINTRODUCED ITS PREVIOUS DEFINITION THAT A GDS IS A COASTAL STATE: (A) WHICH, FOR GEOGRAPHIC REASONS, CANNOT CLAIM AN ECONOMIC ZONE; (B) WHOSE ECONOMIC ZONE IS LESS THAN 30 PERCENT OF THE AREA IT  
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COULD HAVE CLAIMED IF IT COULD EXTEND ITS ZONE UP TO THE MAXIMUM BREADTH PERMITTED BY THE CONVENTION; AND (C) WHICH, BECAUSE OF NATURAL GEOGRAPHICAL, BIOLOGICAL OR ECOLOGICAL REASONS, CAN DERIVE NO SUBSTANTIAL ECONOMIC ADVANTAGE FROM EXPLOITING THE LIVING RESOURCES OF ITS ZONE AND WHOSE RIGHTS OF ACCESS TO THE LIVING RESOURCES ARE ADVERSELY AFFECTED BY THE ESTABLISHMENT OF ECONOMIC ZONES BY OTHER STATES. THIS DEFINITION WAS SUMMARILY DISMISSED BY THE COASTAL STATES WHO CHARACTERIZED IT AS VAGUE, SUBJECTIVE, AND UNIVERSALLY APPLICABLE TO ANY STATE WISHING TO CLAIM GDS STATUS. THE COASTAL STATES REITERATED THAT THE NOMENCLATURE "STATES WITH SPECIAL CHARACTERISTICS" COULD ONLY APPLY TO DEVELOPING COUNTRIES WHICH CAN DEMONSTRATE ACTUAL DAMAGE TO THE NUTRITIONAL NEEDS OF THEIR POPULATIONS RESULTING FROM THE ESTABLISHMENT OF EEZ'S BY NEIGHBORING STATES AND/OR TO DEVELOPING COASTAL STATES WHO, BECAUSE OF THEIR GEOGRAPHIC CHARACTERISTICS, ARE UNABLE TO CLAIM AN EEZ.

5. THE DEFINITION OF GDS WAS THE LAST ITEM ON THE NG-4 AGENDA AND NANDAN NOW PLANS INFORMAL CONSULTATIONS ON THE LL/GDS ISSUES, DEBATED BUT STILL UNRESOLVED.

6. THE WORKING GROUP ON POLLUTION MET AND THE CHAIRMAN, VALLARTA (MEXICO), INTRODUCED A NEW ARTICLE 222 PROPOSAL. THE DRAFT WAS NOT ACCEPTABLE TO THE FRENCH WHO SAID IT DID NOT RECOGNIZE THE RIGHT OF COASTAL STATES TO IMPOSE OBLIGATORY MEASURES FOR SHIPS IN DISTRESS.

- THE UK AND MARITIME STATES OBJECTED TO THE FRENCH REQUIREMENT SAYING IT WOULD INTERFERE WITH SALVORS. THE EXISTING INTERVENTION CONVENTION (INCLUDING ITS DEFINITION OF "MARINE CASUALTY") WAS CONSIDERED ADEQUATE TO MEET THE GOF CONCERNS.

- DESPITE EXTENSIVE DISCUSSION OF POLLUTION CONTROL MEASURES IN THE THIRD COMMITTEE AND IN A SMALLER INFORMAL CONFIDENTIAL

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GROUP (ALSO CHAIRED BY VALLARTA), NO UNIVERSALLY

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 06276

ACCEPTABLE LANGUAGE COULD BE FOUND.

7. AT THE NG-6 SESSION (DEFINITION OF THE CONTINENTAL SHELF), THE SOVIET UNION OBJECTED TO ARTICLE 76 AS WELL AS TO THE IRISH FORMULA, WHICH THEY CHARACTERIZED AS COSTLY TO IMPLEMENT AND VAGUE. THE SOVIETS CRITICIZED DEFECTS IN THE SECRETARIAT STUDY AND SAID THAT IMPORTANT DATA WAS NOT CONSIDERED. IN THEIR VIEW ANY SHELF FORMULA SHOULD NOT BE BASED ON GEOMORPHOLOGICAL CRITERIA. RECOGNIZING THAT THE SOVIET PROPOSAL OF 200 MILES/500 METER ISOBATH DID NOT HAVE WIDESPREAD SUPPORT, THEY QUOTE SUGGESTED UNQUOTE THE FOLLOWING: THAT WHERE THE CONTINENTAL SHELF/MARGIN EXTENDED BEYOND 200 MILES COASTAL STATE RESOURCE JURISDICTION WOULD FOLLOW TO A MAXIMUM OF 50 TO 100 MILES BEYOND 200 MILES BUT NOT TO EXTEND BEYOND THE EDGE OF THE SHELF/MARGIN. (COMMENT: THE SHELF/MARGIN IS NOT DEFINED BY THE USSR.) SHOULD THE CONTINENTAL MARGIN EXTEND BEYOND 250-300 MILES FROM SHORE, THAT PART OF THE MARGIN WOULD BE CONFIDENTIAL

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PART OF THE COMMON HERITAGE OF MANKIND BUT THE COASTAL STATE WOULD HAVE A PREFERENTIAL RIGHT TO PROSPECT AND EXPLOIT THAT PART OF THE MARGIN PURSUANT TO PART XI OF THE ICNT. BYELORUSSIA, THE GDR AND CZECHOSLOVAKIA (IMPLICITLY) SUPPORTED THE USSR.

- IRELAND, INDIA, AUSTRALIA, URUGUAY, AND THE UK SPOKE IN FAVOR OF THE IRISH FORMULA. SINGAPORE, AUSTRIA, LIBYA AND CZECHOSLOVAKIA - WHILE FAVORING 200 MILES - INDICATED THAT COMPROMISE BEYOND 200 MILES WAS CERTAINLY POSSIBLE. SINGAPORE FAVORED REVENUE SHARING AT A HIGHER RATE THAN 1-5 PERCENT. AUSTRIA SAID A COMPROMISE IS CONTINGENT UPON CHANGES IN THE REVENUE SHARING ARTICLE AND NOTED THEIR PROPOSAL OF LAST YEAR WHICH CALLED FOR REVENUE SHARING FROM 1-7 PERCENT. IT ALSO NOTED THAT COMPROMISE IS LINKED TO PROGRESS IN LL/GDS ACCESS TO FISH. THE ROK AND ECUADOR FAVORED ARTICLE 76 AND THE NATURAL PROLONGATION CONCEPT. THE U.S. SUPPORTED THE AUSTRIAN POINTS ON REVENUE SHARING AND LL/GDS ACCESS AND NOTED THAT ARTICLE 76 IS VAGUE AND CAN BE PREJUDICIAL TO THE COMMON HERITAGE CONCEPT. THE US SUPPORTED THE IRISH FORMULA AND INDICATED THE WEAKNESSES OF THE SOVIET PROPOSAL.

8. NEGOTIATING GROUP 7 (DELIMITATION) CONTINUED DEBATE ON ARTICLE 74 AND 83. TWENTY-TWO STATES TOOK THE FLOOR WITH FOURTEEN IN FAVOR OF EQUITABLE PRINCIPLES AS THE RULE (ARGENTINA, BYELORUSSIA SSR, CONGO, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, FRANCE, INDONESIA, LIBYA, POLAND, ROMANIA, SENEGAL, TURKEY, USSR, VENEZUELA, AND VIETNAM). SIX OF THESE (ARGENTINA, BYELORUSSIA SSR, INDONESIA, POLAND, TURKEY AND USSR) SUPPORTED THE

APRIL 21 BULGARIAN PROPOSAL THAT DISPUTE SETTLEMENT  
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WITH RESPECT TO DELIMITATION BE LIMITED TO CASES OF MUTUAL  
CONSENT FOR SUBMISSION. EIGHT DELEGATIONS CONTINUED  
TO ADVOCATE THE MEDIAN LINE/SPECIAL CIRCUMSTANCES RULE  
(CANADA, CYPRUS, GUYANA, MOZAMBIQUE, PORTUGAL, TRINIDAD  
AND TOBAGO, TUNISIA, AND UNITED KINGDOM). CANADA  
EXPRESSLY SUPPORTED COMPULSORY DISPUTE SETTLEMENT  
FAILING AGREEMENT ON MARITIME DELIMITATION. RICHARDSON

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## Message Attributes

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